

To: Garcia, Bert[Garcia.Bert@epa.gov]
Cc: R8 GKM Leadership Team[R8_GKM_LeadershipTeam@epa.gov]; Merritt, Steven[Merritt.Steven@epa.gov]; Pierce, Maggie[Pierce.Maggie@epa.gov]; Hermann, Karl[Hermann.Karl@epa.gov]
From: Card, Joan
Sent: Tue 10/20/2015 8:32:48 PM
Subject: Re: GKM post-incident monitoring plan next steps

Sorry. Hadn't seen your prior email on NM. Thanks.

Joan Card
Senior Policy Advisor
Region 8

Sent from my EPA iPhone

On Oct 20, 2015, at 2:30 PM, Card, Joan <Card.Joan@epa.gov> wrote:

Thanks Bert. Also, are you evaluating the NM proposed plan we received today?

Joan Card
Senior Policy Advisor
Region 8

Sent from my EPA iPhone

On Oct 20, 2015, at 2:06 PM, Garcia, Bert <Garcia.Bert@epa.gov> wrote:

Folks, on a call today among the regions, OEM and OW we discussed and agreed to the following. This was summarized in today's 1:00 call by Dana Tulis and Tom Wall.

- Each region will reach out to its stakeholders tomorrow and convey the approved messages about fall sampling, EPA implementing Obj. A via CERCLA, OW taking the lead for Obj B. via 106 funding , etc. (R9 already discussed with the Navajo Nation last week this approach and received a positive response).
- R6 will hold off contacting NM due to that state's release of its own monitoring plan and public meeting this evening.
- Thursday we'll hold a follow-up call to compare reactions for R6 to take into account in discussions with NM.
- R8 emergency response expects to begin the fall sampling next week.

I'll set up this call for our region and involve the same stakeholders that we've been communicating with all along on this monitoring plan. Here's the approved message on this topic:

Message for Regions to use as they reach out to states, tribal nations and local governments about establishing cooperative agreements to implement Objective B of the Draft Conceptual Plan for monitoring surface water, sediment and biology in the Animas-San Juan River watershed

The EPA is currently reviewing comments on its draft Conceptual Monitoring Plan for monitoring surface water, sediment and biology in the Animas-San Juan River watershed. We recognize that some aspects of the plan may change, but in the meantime we are reaching out to you now to share our thinking regarding how best to implement the plan, once it is final, including our proposal for entering into cooperative agreements with states and tribal nations to implement elements of the plan.

EPA will be implementing the Conceptual Monitoring Plan via the Superfund Removal and Water Programs in EPA Regions 6, 8, and 9. The monitoring plan will characterize post-release surface water quality, sediment quality, and biological community monitoring that will occur for at least the course of the year following the GKM Release Incident. EPA will consider these data results in determining whether the plan needs to be extended beyond the year, working closely with EPA's State and Tribal partners and local governments.

There are two basic objectives to the Monitoring Plan. Objective A will determine whether water quality, sediment, and biological community trends in Cement Creek, the Animas River, and the San Juan River changed since the GKM Release Incident by comparing pre- and post-incident data. The Superfund Removal Program will carry out Objective A activities using Agency resources and contractor staff, coordinating closely with the Water Program.

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Objective B will identify current conditions of Cement Creek, Animas River,

San Juan River and Lake Powell through the collection of surface water, sediment, and biological samples at multiple locations for comparison to water quality standards and/or screening levels and to previous assessments if available. The Water Program will take the leadership on Objective B in terms of resources, coordinating closely with the Superfund Program. Resources will be provided via CWA 106 grants and assistance agreements to States and Tribal Nations to conduct Objective B sampling and analysis. States will continue to have the option of providing portions of funding they receive to local county and other jurisdictions as applicable. EPA will issue waivers to eliminate the need for tribal matching funds.-

In order to ensure that the opportunity to collect important data this fall is not lost while the EPA finalizes the monitoring plan, we intend to carry out the upcoming Fall sampling event under the Superfund Removal Program for both Objectives to close out Superfunds' current river sampling as the management of the site is transitions from the Incident Command Post to Region 8 and from the Superfund Removal Program to the longer-term assessment of possible impacts from the release. The Superfund Removal Program will also continue to work on stabilizing the mine site and maintaining and operating an interim water treatment system.

Sampling results will be continue to be shared and interpreted with the general public. As noted above, EPA will consider these data in determining the need for sampling beyond the first year, working closely with state and tribal partners and local governments.

Bert Garcia

Director, Ecosystems Protection Program

EPA Region 8